

Remarks

Referring to section 2 of the Office Action, the Examiner will note that claims 7 to 9 & 20 have been cancelled but claim 6 has been retained. It is submitted that basis for claim 6 can be found in figure 1 of the drawings where it can be seen that the IP network 13 has a gateway 17 linked to the PSTN 19.

Referring now to section 4 of the Office Action, it is respectfully submitted that claims 1 to 6, 15 to 19 & 21 to 23 are not anticipated by the disclosure of Roy (US 6049531) for the following reasons.

Roy does not disclose performing at the subscriber location the features of: i) generating a first IP packet stream carrying the voice traffic and a second IP packet stream carrying the data traffic; ii) segmenting the first and second IP packet streams into respective first and second ATM cell streams; and iii) multiplexing the first and second ATM cells streams for transport over the upstream communication path (from the subscriber location)).

In Roy, as disclosed in figure 6, audio information 691 being transmitted from the MPC 101-1 (figure 1) is encapsulated as a first packet stream in User Datagram Protocol (UDP) packets 677 and data 689 being transmitted from the MPC is encapsulated as a second packet stream in Transport Control Protocol (TCP) packets 676. Each of these two packet streams is combined as a single IP packet stream 673 which is processed as a single stream through a Logical Link Control (LLC) Protocol layer 672 and a Medium Access Control Protocol layer 671 before further processing as a single MAC packet stream for transport over an ADSL line 109-1.

At location L1 (figure 1), ADSL modem 103-1 of the premises network 170-1 is connected to an ATM ADSL modem 103-3 of ATM access network domain 111-5 via the ADSL line 109-1 (column 4, lines 14 to 17). Thus, it can be seen that ADSL modem 103-3, which is more fully illustrated in figure 3 and which includes the module 323 for conversion between IP and ATM, is not located at location L1 (the subscriber location). In any event,

even if such a modem were located at the subscriber's location, it does not disclose features ii) and iii) of the present invention since the IP packet stream processed in this modem comprises a single IP packet stream, not first and second IP packet streams, nor is the single IP packet stream segmented into first and second ATM packet streams respectively carrying voice and data traffic. In Roy, the single IP packet stream is transformed to a single ATM cell stream.

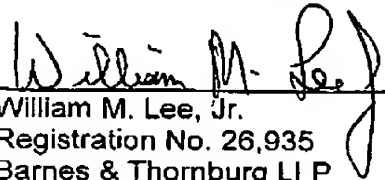
In Roy, the ADSL modem 103-1 that is located at location L1 is more fully illustrated by figure 2. It is abundantly clear from figure 2 and the corresponding description (column 6, lines 39 to 67) that traffic from the MPC comprises a single stream of MAC packets that are directly transformed in the ATM ADSL modem 103-1 to a single ATM packet stream for transport over the ADSL line 109-1 to the ATM ADSL modem 103-3 in access network domain 111-5 that comprises part of an ATM Wide Area Network (WAN) 111-10. There is no suggestion in Roy of, at location L1, separately IP processing voice and data traffic to provide two IP packet streams nor to processing said separate voice and data (IP) packet streams to provide separate ATM cell streams which are then multiplexed for transport over the ADSL line connecting the location L1 (subscriber location) to the WAN 111-10.

Consequently, in view of the foregoing, the currently pending claims of the present application cannot be said to be anticipated by the disclosure of Roy nor can said claims be said to be rendered obvious by the disclosure of Roy. Additionally, there is nothing in the other prior art of record that separately or in combination with Roy suggests an arrangement as defined by the claims of the present application.

Favorable reconsideration of the claims is therefore requested.

September 8, 2004

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

William M. Lee, Jr.

Registration No. 26,935

Barnes & Thornburg LLP

P.O. Box 2786

Chicago, Illinois 60690-2786

(312) 214-4800

(312) 759-5646 (fax)